

HOUSE No. 2102

By Ms. Jehlen of Somerville, petition of Patricia D. Jehlen and others relative to childhood lead exposure from tap water. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

Patricia D. Jehlen	Susan C. Fargo
Douglas W. Petersen	Benjamin Swan
Anne M. Paulsen	Cory Atkins
Bruce E. Tarr	Martha M. Walz

In the Year Two Thousand and Five.

AN ACT TO REDUCE CHILDHOOD LEAD EXPOSURE FROM TAP WATER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. SHORT TITLE

2 This Act may be cited as the “Tap-Flushing Act of 2004.”

1 SECTION 2. GENERAL OBJECTIVES

2 This bill aims to reduce children’s exposure to lead in tap water
3 by ensuring that state health workers inform parent(s) or
4 guardian(s) of the potential for serious developmental damage to
5 their child as a result of drinking “unflushed” tap water and of the
6 ease with which they can flush their taps to prevent this damage.

1 SECTION 3. DEFINITIONS

2 For purposes of this bill, the following definitions shall apply:

3 1.1 “Childhood Lead Poisoning Prevention Program,” (CLPPP)
4 refers to the already-existing Massachusetts Department of Public

5 Health program created to reduce children's exposure to unsafe
6 levels of lead.

7 1.2

1 SECTION 4. INSERTION OF NEW SECTION TO THE
2 LEAD POISONING PREVENTION AND CONTROL REGU-
3 LATIONS

4 This section amends the Lead Poisoning Prevention and Con-
5 trol Regulations by inserting after section 460.050 of Chapter 105
6 of the General Laws of Massachusetts (MGL) the following
7 section:

8 460.0510: Notification of parents of a child with a blood lead
9 level between 0.1 and 9.9 mcg/dL

10 (A) If the results of a lead screening test reveal a child to have
11 between 0.1 and 9.9 micrograms per deciliter (mcg/dL) of lead in
12 his or her blood, a state health official with the Childhood Lead
13 Poisoning Prevention Program or equivalent state program ("State
14 Program") shall send a letter to parent(s) or guardian(s):

15 (1) informing them of the results of the test,

16 (2) explaining that children cannot be accurately classified as
17 having blood lead levels below 10.0 mcg/dL because of the inac-
18 curacy inherent in laboratory testing,

19 (3) informing them that no such thing as a "safe" level of lead
20 in the blood exists,

21 (4) describing the adverse side effects that can occur from low-
22 level lead exposure,

23 (5) explaining that lead in tap water can constitute one of the
24 largest sources of a child's overall lead exposure and that many
25 homes throughout Massachusetts have tap water containing pos-
26 sibly dangerous concentrations of lead,

27 (6) describing how most lead can be eliminated from tap water
28 by letting the water run for about a minute before using it and by
29 using only cold water for drinking or cooking purposes.

30 (7) and giving them contact information of a person who can
31 address questions, concerns, and make available additional infor-
32 mation.

33 (B) The CLPPP shall keep a copy of all letters and a record of
34 dates they were sent.

1 SECTION 5. CONFORMITY-INDUCING MEASURES

2 460.0511: Creation of TFA Enforcement Group

3 The Massachusetts Department of Public Health shall designate
4 a specific group of CLPPP staff members familiar with the
5 requirements of the Tap-Flushing Act. The group shall be known
6 as the “TFA Enforcement Group” and shall ensure that the CLPPP
7 complies with the provisions of the Act.

1 SECTION 6. MONITORING AND ENFORCEMENT

2 460.0512: Annual Review

3 (A) The Massachusetts Department of Public Health shall annu-
4 ally review records of the CLPPP to verify that it has complied
5 with the provisions of the Tap-Flushing Act.